

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Ruth Y. Goldway, Chairman;
Robert G. Taub, Vice Chairman;
Mark Acton;
Tony Hammond; and
Nanci E. Langley

Downtown Fernandina Beach Station
Fernandina Beach, FL

Docket No. A2013-7

NOTICE AND ORDER ACCEPTING APPEAL AND
ESTABLISHING PROCEDURAL SCHEDULE

(Issued July 24, 2013)

Notice is hereby given that, on July 22, 2013, the Commission posted two Petitions for Review (Petitions) of the Postal Service's closure of the Downtown Fernandina Beach Station in Fernandina Beach, Florida.¹ The Petitions were filed by Julie L. Batts and David A. Granger (Petitioners). The Granger Petition includes a request to suspend action on the final determination pending the outcome of this appeal. The Commission hereby institutes a proceeding under 39 U.S.C. § 404(d)(5)

¹ See Petition for Review and Request for Suspension Received from David A. Granger Regarding the Downtown Fernandina Beach Station Post Office, Fernandina Beach, FL 32034, July 22, 2013 (Granger Petition); Petition for Review Received from Julie L. Batts Regarding the Downtown Fernandina Beach Station Post Office, Fernandina Beach, FL 32034, July 22, 2013.

and establishes Docket No. A2013-7 to consider Petitioners' appeals and the request to suspend action on the Postal Service's final determination. Petitioners may further explain each individual's position with supplemental information or facts. Petitioners may file Participant Statements on PRC Form 61 or briefs with the Commission no later than August 21, 2013.

Categories of issues apparently raised. Petitioners contend that the Postal Service's decision to close the Downtown Fernandina Beach Station was: (1) arbitrary and capricious (see 39 U.S.C. § 404(d)(5)(A)); (2) without observance of procedures required by law (see 39 U.S.C. § 404(d)(5)(B)); and (3) unsupported by substantial evidence on the record (see 39 U.S.C. § 404(d)(5)(C)).

After the Postal Service files the Administrative Record and the Commission reviews it, the Commission may find that there are more legal issues than those set forth above, or that the Postal Service's determination disposes of one or more of those issues. The deadline for the Postal Service to file the applicable Administrative Record with the Commission is August 1, 2013. See 39 C.F.R. § 3025.21. In addition, the due date for any Postal Service pleading in response to this Notice is August 1, 2013.

Application for Suspension of Determination. The Granger Petition requests suspension of the Postal Service's final determination until the outcome of the appeal. See 39 C.F.R. § 3025.30. Commission rules allow for the Postal Service to file an answer to such application within 10 days after the application is filed. The Postal Service answer to the request is due no later than August 1, 2013.

Availability; website posting. The Commission has posted the appeals and supporting material on its website at <http://www.prc.gov>. Additional filings in this case and participants' submissions will also be posted on the website, if provided in electronic format or amenable to conversion, and not subject to a valid protective order. Information on how to use the Commission's website is available online or by contacting the Commission's webmaster via telephone at 202-789-6873 or via electronic mail at prc-webmaster@prc.gov.

The appeals and all related documents are also available for public inspection in the Commission's docket section. Docket section hours are 8:00 a.m. to 4:30 p.m., Eastern Time, Monday through Friday, except on Federal government holidays. Docket section personnel may be contacted via electronic mail at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

Filing of documents. All Postal Service filings in this case shall be made using the Internet (Filing Online) pursuant to Commission rules 9(a) and 10(a). See 39 C.F.R. §§ 3001.9(a) and 3001.10(a). Other participants may also use Filing Online. Instructions for obtaining an account to file documents online may be obtained on the Commission's website, *http://www.prc.gov*, or by contacting the Commission's docket section at *prc-dockets@prc.gov* or via telephone at 202-789-6846.

The Commission reserves the right to redact personal information that may infringe on an individual's privacy rights from documents filed in this proceeding.

Participation by others. Persons other than Petitioners and the Postal Service wishing to be heard in this matter may submit comments. See 39 C.F.R. § 3025.14. Initial comments supporting a remand of this case are to be filed on or before August 21, 2013. This and other deadlines are set out in the attached Procedural Schedule. See 39 C.F.R. §§ 3025.41 through 3025.43.

Further procedures. By statute, the Commission is required to issue its decision within 120 days from the date it receives the appeal. See 39 U.S.C. § 404(d)(5). A Procedural Schedule has been developed to accommodate this statutory deadline. In the interest of expedition, the Commission may request the Postal Service or other participants to submit information or memoranda of law on any appropriate issue. **If any motions are filed by the Postal Service, responses are due 10 days after any such motion is filed.** See 39 C.F.R. § 3025.2(c).

It is ordered:

1. The Postal Service answer to the request for suspension of the Postal Service's final determination is due no later than August 1, 2013.

2. The Postal Service shall file the applicable Administrative Record regarding this appeal no later than August 1, 2013.
3. Any responsive pleading by the Postal Service to this Notice is due no later than August 1, 2013.
4. The Procedural Schedule listed below is hereby adopted.
5. Pursuant to 39 U.S.C. § 505, Anne J. Siarnacki is designated an officer of the Commission (Public Representative) to represent the interests of the general public.

By the Commission.

Shoshana M. Grove
Secretary

PROCEDURAL SCHEDULE

July 22, 2013	Filing of Appeal
August 1, 2013	Deadline for the Postal Service to file answer responding to application for suspension (see 39 C.F.R. § 3025.30)
August 1, 2013	Deadline for the Postal Service to file the applicable Administrative Record in this appeal
August 1, 2013	Deadline for the Postal Service to file any responsive pleading
August 21, 2013	Deadline for Petitioner's Form 61 or initial brief in support of the petition (see 39 C.F.R. § 3025.41)
September 4, 2013	Deadline for answering brief in support of the Postal Service (see 39 C.F.R. § 3025.42)
September 16, 2013	Deadline for reply briefs in response to answering briefs (see 39 C.F.R. § 3025.43)
November 19, 2013	Expiration of the Commission's 120-day decisional schedule (see 39 U.S.C. § 404(d)(5))